

WILLIAM H. OLIVER, JR.
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Attorney for Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:

JOHN & DOREEN McHALE,

Debtors.

Case No. 12-27513 (KCF)

Chapter 7 Bankruptcy

**NOTICE OF MOTION FOR DAMAGES,
COSTS, ATTORNEY'S FEES AND
SANCTIONS FOR VIOLATION OF
THE AUTOMATIC STAY**

TO:

William L. Huneke, Esq.
182 Jumping Brook Drive
Toms River, New Jersey 08755
(via certified mail, return receipt requested)

Thomas J. Orr, Chapter 7 Trustee
(via electronic service only)

Somerset Meadows Homeowners Assoc.
c/o William L. Huneke
182 Jumping Brook Road
Toms River, New Jersey 08755

Mr. and Mrs. John McHale
607 Dave Marion Road
Toms River, New Jersey 08755

PLEASE TAKE NOTICE that the undersigned will apply to the United States Bankruptcy Court located in Trenton, New Jersey on Tuesday, November 13, 2012 at 10:00 a.m. or soon thereafter as counsel may be heard for:

1. An Order against William L. Huneke, Esq. and Somerset Meadows Homeowners Association for damages, attorney's fees and costs for Violation of the Bankruptcy Automatic Stay; and
2. A further Order for punitive damages in an amount determined by the Court by reason of persistent conduct in violation of the automatic stay.

PLEASE TAKE FURTHER NOTICE that Movant shall rely upon the Certification of John McHale, and the Certification of William H. Oliver, Jr., Esquire which give adequate notice of movant's theory of relief and relevant facts.

PLEASE TAKE FURTHER NOTICE that pursuant to D.N.J. LBR 9013-1(f), the movant shall only appear for oral argument if this Motion becomes contested, or if the court otherwise directs.

LOCAL RULE 9013-1(a) AND (d)

PLEASE TAKE FURTHER NOTICE that pursuant to D.N.J. LBR 9013-1(a) and (d), unless timely responsive papers are filed in accordance with the appropriate rules, this Motion shall be deemed uncontested.

Dated: October 15, 2012

/s/William H. Oliver, Jr.
William H. Oliver, Jr., Esq.
Attorney for Debtors